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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA A. WILHELM,
Plaintiff

v.

COMMONWEALTH OF PA.;
PENNSYLVANIA STATE POLICE;
COLONEL PAUL J. EVANKO,
COMMISSIONER; LIEUTENANT
COLONEL THOMAS K. COURY; and
CAPTAIN MICHAEL. D. SIMMERS,
Defendants

NO. 1:CV-01-1057

(JUDGE RAMBO)

FILED
HARRISBURG, PA

JUN 03 2002

MARY E. DIANDREA CLE
Per 9/5
Deputy Clerk

**DEFENDANTS' MOTION IN LIMINE TO EXCLUDE
ALL EVIDENCE RELATING TO SEX
DISCRIMINATION ALLEGATIONS OF SERGEANT
MCNEAL AND HER DECISION NOT TO COMPLAIN**

Defendants move the Court to exclude from trial all evidence relating to Sergeant Janet McNeal's allegations of sex discrimination and her decision not to complain. In support of this motion defendants state as follows:

1. This action alleges sex discrimination and retaliation in connection with plaintiff's employment with the Legislative Affairs Office of the State Police.
2. Plaintiff was employed in that Office from January 1998 until her dismissal on May 1, 2000.
3. During discovery plaintiff elicited information from Sergeant Janet McNeal regarding an incident which she described as sex discrimination she

experienced during her tenure with the State Police (McNeal dep.15).

4. Sergeant McNeal has been with the State Police since February, 1985 (McNeal dep. 15).

5. She testified that early in her career, at least before 1993, when she was assigned to uniformed patrol, she applied for accident reconstruction training (McNeal dep.15-17, 23).

6. She further testified that her commanding officer, Captain Vincent Fioranni refused her application with the comment to the effect that he was not going to send a girl--girls don't know anything about cars.

7. According to Sergeant McNeal, Captain Fioranni left the State Police sometime before 1993 (McNeal dep. 23).

8. Sergeant McNeal also testified that she decided not to complain about the incident because the union contract did not give a right to training, she did not want to make herself a target for ridicule from other troopers and she did not want to risk making Captain Fioranni hostile toward her (McNeal dep. 20-22).

10. The evidence regarding the incident described by Sergeant McNeal and her decision not to complain should be excluded from evidence because it is not relevant to this action; or, if it is considered relevant, its probative value is substantially outweighed by the danger of unfair prejudice to defendants,

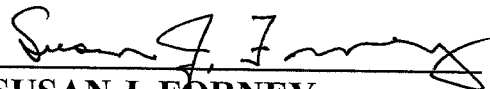
confusion of the issues and undue delay.

WHEREFORE, defendants respectfully request the Court to exclude from trial all evidence relating to Sergeant McNeal's allegation of sex discrimination and her decision not to complain about it.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:



SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744

Office of Attorney General
Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120
(717)787-9831

DATED: June 3, 2002

CERTIFICATE OF CONCURRENCE/NONCONCURRENCE

I, **SUSAN J. FORNEY**, counsel for defendants hereby certify that I attempted to contact counsel for plaintiff to seek his concurrence in the foregoing motion, but I was not able to reach him. I will file an amended certificate indicating plaintiff's position when I have spoken with counsel.


SUSAN J. FORNEY
Chief Deputy Attorney General

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: NO. 1:CV-01-1057
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: (JUDGE RAMBO)
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CERTIFICATE OF SERVICE

I, SUSAN J. FORNEY, Chief Deputy Attorney General for the
Commonwealth of Pennsylvania, hereby certify that on June 3, 2002, I caused to
be served a copy of the foregoing document entitled **Defendants' Motion in
Limine to Exclude All Evidence Relating to Sex Discrimination Allegations of
Sergeant McNeal**, by depositing same in the United States Mail, first class,
postage prepaid, in Harrisburg, Pennsylvania upon the following:

Nathan C. Pringle, Jr., Esquire
3601 N. Progress Avenue, Suite 200
Harrisburg, PA 17110


SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744